

# DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare on behalf of myself and on behalf of any and all unsigned inventors for whom a petition is filed as indicated below that:

My residence, post office address and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SECURE ONLINE MUSIC DISTRIBUTION SYSTEM the specification for which

☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as United States Application Serial No. \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and I have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on which priority is claimed:

Prior Foreign Application Number	Country	Filing Date (MM/DD/YYYY)	Priority Claimed?	Copy Attached?

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

Application Number: \_\_\_\_\_ Filed: \_\_\_\_\_

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

**DECLARATION FOR PATENT APPLICATION**

U.S. Parent Application Number	PCT Parent Number	Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)
09/020,025		February 6, 1998	

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

James D. Ivey (Reg. No. 37,016)

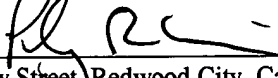
**Law Offices of James D. Ivey**  
3025 Totterdell Street  
Oakland, California 94611-1742

Please send all correspondence and communications to:


James D. Ivey  
Law Offices of James D. Ivey  
3025 Totterdell Street  
Oakland, California 94611-1742

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Joint Inventor: **PHILIP R. WISER**

Inventor's Signature  Date 4/9/99  
Residence: 810 Winslow Street, Redwood City, California 94063-1607  
Citizenship: **United States of America**  
Post Office Address: same  
(☐ A petition has been filed for this unsigned inventor.)

Full Name of Second Joint Inventor: **ANDREW R. CHERENSON**

Inventor's Signature  Date Apr 19, 1999  
Residence: 814 Jordan Avenue, Los Altos, California 94022  
Citizenship: **United States of America**  
Post Office Address: same  
(☐ A petition has been filed for this unsigned inventor.)

**DECLARATION FOR PATENT APPLICATION**

Full Name of Third Joint Inventor: STEVEN T. ANSELL

Inventor's Signature 

Date April 9, 1999

Residence: 302 Sequim Common, Fremont, California 94539

Citizenship: United States of America

Post Office Address: same

(☐ A petition has been filed for this unsigned inventor.)

Full Name of Fourth Joint Inventor: SUSAN A. CANNON


Inventor's Signature 

Date April 9, 1999

Residence: ~~810 Winslow Street, Redwood City, California 94063-1607~~

2458 WOODLAND AVE

Citizenship: United States of America

SAN JOSE, CA 95128 

Post Office Address: same

(☐ A petition has been filed for this unsigned inventor.)

C:\Law Practice\FILES\2090p\DECLRPAT.WPD

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR §§ 1.9(f) & 1.27(c))-- SMALL BUSINESS CONCERN**

Applicant or Patentee: Philip R. Wiser, Andrew R. Cherenson, Steven T. Ansell, and Susan A. Cannon

Serial or Patent No.: Not yet assigned.

Filed or Issued: Herewith

Title: SECURE ONLINE MUSIC DISTRIBUTION SYSTEM

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Liquid Audio, Inc.

ADDRESS OF SMALL BUSINESS CONCERN: 810 Winslow Street, Redwood City, California 94063-1608

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purpose of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

☒ the specification filed herewith the title as listed above.

☐ the application identified above.

☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

☒ no such person, concern, or organization exists.

☐ each such person, concern, or organization is listed below.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR §§ 1.9(f) & 1.27(c))-- SMALL BUSINESS CONCERN**

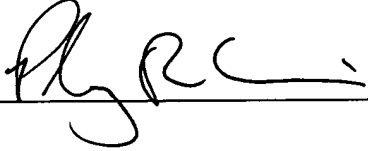
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Philip R. Wiser

Title: Vice President of Engineering

Address of Person Signing: 810 Winslow Street, Redwood City, California 94063-1608

Signature: \_\_\_\_\_



Date: \_\_\_\_\_

4/9/99

C:\Law Practice\FILES\2090p\SM\_ENT.wpd